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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/866,857	05/30/1997	DAVID CORBOY	06651/008001	1383

26171 7590 01/14/2005
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EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/866,857

Applicant(s)

CORBOY, DAVID

Examiner

Cong-Lac Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11,13-16,31-50,63-66 and 100-121 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,13-16,31-50,63-66 and 100-121 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: RCE and the preliminary amendment filed 10/18/04 to the application filed on 05/30/97.
2. Claims 110-121 are added.
3. Claims 1-11, 13-16, 31-50, 63-66, 100-121 are pending in the case. Claims 1, 10, 100, 116-121 are independent claims.

Double Patenting

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

5. Claims 119 and 121 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 116 and 118, respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-11, 13-16, 31-50, 63-66, 100-115 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claims 1, 10, and 100, each recites among the other things, "the temporal order defined by the choreography information is maintained independent of the bandwidth of a communication channel used to send the multimedia document."

However, the specification of the present invention discloses that:

"Some classes of objects, however, are not interleaved with other objects in the multiplex section 516, regardless of the author's choreography designation. The first class includes those objects can not be progressively rendered. MIDI files and most standard types of audio and video files are examples of this class of objects ... The second class of non-interleaved objects includes files that are designed to be played back progressively, but that are authored for a particular bandwidth. These objects are referred to as time-based or "temporal" files. Examples of such temporal files are certain audio and slide show files that

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cannot be interleaved with other data without slowing the delivery of their own temporal data and risking starving their players of data" (specification, page 18, lines 15-25).

According to the specification, it appears that the temporal order is dependent of the bandwidth, not independent of the bandwidth used to send the multimedia document **as claimed** since the temporal file is designed or "authored for a particular bandwidth".

Dependent claims 2-9, 11-16, 31-50, 63-66, 101-115 are rejected for fully incorporating the deficiencies of their base claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 7-11, 14, 63-66, 100-109 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Near et al. (US Pat No. 5,995,091, 11/30/99, filed 5/10/96).

Regarding independent claim 1, Near discloses:

- receiving a stream including a file that integrates media content with choreography information within each of at least two objects of the file, each of the objects including media content data and choreography information

associated therewith, the choreography information comprising data indicating an author-designated relationship between the objects of the file that defines an author-designated temporal order of presentation between the objects (**figure 2, col 3, lines 28-47, col 9, lines 51-67**: the interleaved playback data stream includes a plurality of media portions such as video chunk 1, audio chunk 1, video chunk 2, video chunk 3 where each portion has associated timestamp, engine destination, and message; each portion also has a simulation pointer for linking and arranging media portions in the stream, this shows the choreography information associated with media portion and the temporal order of display among the objects; the playback data stream indicates that the stream is received for playback; the authoring tool used by an author for specifying images and sounds for playback at specified times indicates an author-designated temporal order of presentation of the multimedia elements)

- before all objects of the file are received, beginning to render media content encapsulated within the file based on the choreography information associated with objects received so as to enable display of the objects received based on the temporal order defined by the choreography information, wherein the temporal order is maintained independent of a recipient or a web server (**col 3, line 64 to col 4, line 27, col 7, lines 50-64**: the fact that the playback of the images and sound data stream with specified times is generated by an author for a selected bandwidth shows that the temporal order is defined by the author, and thus is maintained independent of a recipient)

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Near does not explicitly disclose that the temporal order is maintained independent of a bandwidth of a communication channel used to send the multimedia document.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Near to include the independence of the temporal order over a bandwidth of a communication channel used to send the multimedia document for the following reason. The fact that Near provides generating a bandwidth-controlled presentation data stream, thereby *controlling network load and providing predictable performance on a variety of playback systems* (col 2, lines 61-67) suggests that the playback of the data stream in Near is not dependent on the playback systems and is not dependent on a bandwidth of a communication channel used to send the multimedia document since the network load while sending media data is controlled via the authoring tool.

Regarding claims 2 and 3, which is dependent on claim 1, Near discloses:

- changing one object in the data file (col 10, lines 1-27: update the multimedia elements in the playback data stream)
- adding an object to the data file (col 10, lines 1-27: "after processing the updated multimedia elements into portions ... the existing stream portions is replaced with the newly updated stream portions...")

Regarding claim 7, which is dependent on claim 1, Near discloses that each object has an address indicating a player that plays the object (col 8, lines 1-13; col 4, lines 47-

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61:identifying images and sounds to be reproduced during the playback implies identifying the address of the media element and the software that plays the media).

Regarding claim 8, which is dependent on claim 1, Near discloses compressing information in each object (col 8, lines 13-29, col 9, lines 20-39; col 4, lines 47-61).

Regarding claim 9, which is dependent on claim 1, Near discloses creating an object in the file (col 9, lines 20-50) and locating player data within an object defining a player that plays the object (col 10, lines 40-67: playback media software used to identify individual portion of the playback data stream and the manager software calls a function for a player element of media data).

Near does not disclose the created object is an unknown object. However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Near to include the created object being an unknown object for the following reason. Near defines the multimedia data for the playback data stream where each multimedia element is considered as an object in the data stream (figure 2, col 51-67). Thus no matter the object is known or unknown, the system always locates the player associated with the multimedia element.

Independent claim 10 is for a computer system of the method claim 1, and is rejected under the same rationale.

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Regarding claim 11, which is dependent on claim 10, Near discloses that at least one object comprises one of a textual file format, an image file format, and a sound file format (figure 2, col 9, lines 50-67: at least one media element comprises one of audio format).

Regarding claim 14, which is dependent on claim 10, Near discloses that each object is a generic element of the hierarchical data file structure, such that any combination of objects can be grouped together to form a part of the multimedia document (figure 2, col 9, lines 50-67: each multimedia element is a generic element such as video element or audio element and the combination of a video element and an audio element can be grouped together under a topic to form a part of the multimedia document).

Regarding claims 63 and 65, which are dependent on claims 1 and 10 respectively, Near discloses that the ordered display is independent of a recipient software program used to render the objects (**col 3, line 64 to col 4, line 27, col 7, lines 50-64**: the playback of the images and sound data stream with specified times is generated by an author for a selected bandwidth, and thus the temporal order defined by the author, is maintained independent of a recipient software).

Regarding claims 64 and 66, which are dependent on claims 63 and 65 respectively, as mentioned in claims 63 and 65 above, the ordered display is independent of the browser used to render the objects so that the display is presented as defined by the document author.

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Regarding independent claim 100, Near discloses:

- generating a single file that integrates the media content with the choreography information, wherein generating the single file comprises encapsulating within the single file at least two objects, each object including media content data and choreography information associated therewith, the choreography information comprising data defining a temporal order of presentation between the objects (figure 2, col 3, lines 28-47, col 9, lines 51-67: the interleaved playback data stream includes a plurality of portions such as video chunk 1, audio chunk 1, video chunk 2, video chunk 3 where each portion of media has associated timestamp, engine destination, message, and simulation pointer for linking and arranging media portions in the stream shows the choreography information associated with media portion and the temporal order of display between the objects, and where the playback data stream indicates that the stream is received for playback; the authoring tool used by an author for specifying images and sounds for playback at specified times indicates an author-designated temporal order of presentation between media objects)
- before all objects of the files are received by a user, enabling the user to begin rendering the media content encapsulated within the file according to the choreography information associated with objects received, wherein the temporal order is maintained independent of a recipient or a web server (col 3, line 64 to col 4, line 27, col 7, lines 50-64: the playback of the images and sound data stream with specified times is generated by an author for a selected bandwidth,

and thus the temporal order defined by the author, is maintained independent of a recipient)

Near does not explicitly disclose:

- receiving specification of media content by a user
- receiving designation by the user of choreography information that indicates at least an intended order of presentation for the specified media content

Instead, Near provides the media content of the playback media stream, the order of presentation of the playback media stream *defined by an author* where the pointer data in each multimedia element for arranging the order of playing of the media element in the stream indicates the choreography information of each element (figure 2, col 9, lines 50-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Near to include receiving specification content and receiving designation of choreography information for the following reason. The fact that the *order of presentation of the media playback is defined by an author* shows the designation of the choreography information and the presentation order of the playback. Further, defining the media playback suggests including a description of the media contents of the playback, which is equivalent to the specification of the media content of the playback. And it was obvious that the description as well as the order of presentation are received at the destination where the playback is performed.

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Regarding claim 101, which is dependent on claim 100, Near discloses that the temporal order is independent of a recipient input (col 3, line 64 to col 4, line 27, col 7, lines 50-64: the fact that the playback of the images and sound data stream with specified times is generated by an author for a selected bandwidth shows that the temporal order is defined by the author, and thus is maintained independent of a recipient).

Regarding claim 102, which is dependent on claim 100, Near discloses that the temporal order is independent of a recipient hardware configuration (col 3, lines 48-55: since the temporal order is defined by an author, the author controls the playback, and thus independent of the recipient hardware configuration).

Regarding claim 103, which is dependent on claim 100, Near discloses that the temporal order is independent of a recipient software configuration (col 3, lines 48-55: since the temporal order is defined by an author, the author controls the playback, and thus independent of the recipient software configuration).

Regarding claim 104, which is dependent on claim 1, Near discloses that the temporal order is independent of a recipient input (col 3, line 64 to col 4, line 27, col 7, lines 50-64: the fact that the playback of the images and sound data stream with specified times is generated by an author for a selected bandwidth shows that the temporal order is defined by the author, and thus is maintained independent of a recipient).

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Regarding claim 105, which is dependent on claim 1, Near discloses that the temporal order is independent of a recipient hardware configuration (col 3, lines 48-55: since the temporal order is defined by an author, the author controls the playback, and thus independent of the recipient hardware configuration).

Regarding claim 106, which is dependent on claim 1, Near discloses that the temporal order is independent of a recipient software configuration (col 3, lines 48-55: since the temporal order is defined by an author, the author controls the playback, and thus independent of the recipient software configuration).

Regarding claim 107, which is dependent on claim 10, Near discloses that the temporal order is independent of a recipient input (col 3, line 64 to col 4, line 27, col 7, lines 50-64: the fact that the playback of the images and sound data stream with specified times is generated by an author for a selected bandwidth shows that the temporal order is defined by the author, and thus is maintained independent of a recipient).

Regarding claim 108, which is dependent on claim 10, Near discloses that the temporal order is independent of a recipient hardware configuration (col 3, lines 48-55: since the temporal order is defined by an author, the author controls the playback, and thus independent of the recipient hardware configuration).

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Regarding claim 109, which is dependent on claim 10, Near discloses that the temporal order is independent of a recipient software configuration (col 3, lines 48-55: since the temporal order is defined by an author, the author controls the playback, and thus independent of the recipient software configuration).

10. Claims 4, 13, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Near as applied to claims 1 and 10 above, and further in view of Shaw et al., *Microsoft Office 6-in-1*, Que Corporation 1994, pages 379-380, 384-389, 396-402, 419-425, 492-496.

Regarding claim 4, which is dependent on claim 1, Near does not disclose:

- creating an exclusionary area within the window
- locating an object within the exclusionary area, the object being selected from a group of objects including a framed image, a slide show, framed text, sound data, a separator, or a hyperlink

Shaw discloses:

- creating an exclusionary area within the window (page 401, figure 4.4)
- locating an object within the exclusionary area, the object being selected from a group of objects including a framed image, a slide show, framed text, sound data, a separator, or a hyperlink (page 401, figure 4.4: the data in the area within the window can be text and graphics).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Shaw into Robotham since Shaw teaches the window

features for locating objects selected from a group of *specific objects* providing the advantage to include in Robotham to enhance the use of objects from internet instead of merely video or audio from the media database.

Regarding claim 13, which is dependent on claim 10, Near does not disclose that two or more objects have at least one common attribute, including at least one of a command for perception of the object, an ability to pass and receive a message, and an ability to supply and retrieve the data embodied in the object.

Shaw discloses that two or more objects have at least one common attribute, including at least one of a command for perception of the object, an ability to pass and receive a message, and an ability to supply and retrieve the data embodied in the object (page 495: since the display of the slides can be set in a temporal order by the document author, the slides as in the slide stream has the ability to pass and receive a message to automatically advance to the next slide to display the data in the slide).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Shaw into Near since Shaw teaches the ability of passing and receiving a message between the objects to supply and retrieve data embodied in the object providing the advantage of enhancing the relationship among the media objects choreographed in the image stream as in Near.

Regarding claims 15 and 16, which are dependent on claim 10, Near does not disclose the document forms a code segment that receives image information, and wherein the

image information is used to construct an image frame for a framed image that is part of the multimedia document.

Shaw discloses that the document forms a code segment that receives image information, and wherein the image information is used to construct an image frame for a framed image that is part of the multimedia document (pages 400-401).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Shaw into Near since Shaw a code segment to control the receiving of image information as well as the structure of the media stream providing the advantage of utilizing such control to edit the media stream in Near as desired.

11. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Near as applied to claim 1 above, and further in view of Johnson (US Pat No. 5,892,847, 4/6/99, filed 4/22/96).

Regarding claims 5 and 6, which are dependent on claims 1 and 5 respectively, Near does not disclose defining as well as locating the update splash image within the data file.

Johnson discloses:

- splash image data defining a splash image and locating the splash image data within the data file for displaying the splash image on the computer display (col 4, lines 30-50)
- further updating the splash image to be displayed (col 4, lines 30-63)

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Johnson into Near since Johnson teaches the process of displaying of a splash image, which is an element of a multimedia document providing the advantage of including a splash image into the image file to enhance the image characteristics in Near.

12. Claims 31-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Near as applied to claims 1 and 10 above, and further in view of Caire et al. (US Pat No. 5,663,962, 9/2/97, filed 9/15/95).

Regarding claim 31, which is dependent on claim 1, and claims 32-34, which are dependent on claim 31, Near discloses a header, timestamps, and associated data for a data stream (col 5, line 64 to col 6, line 16). Near does not disclose that the choreography information further comprises an object archive for storing information about one or more objects, the object archive including information about the relationship of the object file with the document, and a multiplex section including data for the objects in the document.

Caire discloses:

- a header (col 1, lines 65 to col 2, lines 1-2, each packet in the overall stream includes a header)
- an object archive for storing information about the plurality of object files, the object archive including information about *the level of each object file with the*

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hierarchy (col 1, lines 65 to col 2, lines 1-2, each packet of the multimedia stream stores information; col 1, lines 37-52, it is desired for instance to *insert into the complete stream also some subtitles* to be displayed during the presentation....)

- a multiplex section including data for each of the object files of the document (col 1, lines 65 to col 2, lines 1-9, 45-59)
- the object files in the multiplex section are each played by a player as the multiplex object file is received by a receiver (col 1, lines 65 to col 2, lines 1-2)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Caire into Near since Caire provides the choreography and the multiplexing features for a multimedia presentation. The combination of Caire into Near would provide more detailed options in the relationship of the objects in a multimedia document to effectively controlling and changing the presentation of the objects.

Regarding claims 35, 36-39, which are dependent on claims 31 and 35 respectively, Near does not disclose an object number counter indicating the number of objects, a plurality of object descriptions, each object description describing a corresponding one of the objects, and a choreography group providing information about a first group of objects, a group object counter indicating the number objects in the choreography group, size and type data for each object, header data, data slices of the objects interleaved together, and placing one or more slice size data blocks before one or more

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of the interleaved data slices, each slice size data block corresponding to a data slice and providing a size of the corresponding data slice.

Caire discloses:

- an object number counter indicating the number of object files (col 2, lines 10-20)
- a plurality of object descriptions, each object description describing a corresponding one of the object files (col 1, lines 65 to col 2, lines 1-2, the header includes information of the type of a packet in the multimedia stream)
- a choreography group providing information about a first group of object files (col 1, lines 65 to col 2, lines 1-2, packets of different types are included in the overall stream as a sequence of intervals wherein the type of a packet is disclosed in the heading are considered as a choreography group providing information about the object files)
- size and type data for each object file (col 1, lines 65 to col 2, lines 1-2, data type of each packet in the multimedia stream)
- header data (col 1, lines 65 to col 2, lines 1-2, each packet includes a header)
- the data slices of the object files interleaved together (col 1, lines 65 to col 2, lines 1-2, the overall stream is structured as a sequence of intervals called packets, each of which contains data of single type, indicated in a header of the packet itself; since data of different types are arranged in the *sequence of intervals called packets*, the packets which are equivalent to the object files, are interleaved together)

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- a first player pointer including an address of a player that plays the choreography group (col 2, lines 3-9, for each interval, the multiplexer has to decide from which the input stream it should take the data in order to construct the packets; this implies that the multiplexer has to decide where to point to play the overall stream which is equivalent to the choreography group as mentioned above)
- locating a plurality of slice size data blocks before the interleaved data slices, each slice size data block corresponding to one of the data slices and providing a size of the corresponding data slice (col 4, lines 45-53, the number of data bytes and the number of header bytes in each packet show the size of each packet which is equivalent to the data block)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Caire into Near since Caire provides the choreography and the multiplexing features for a multimedia presentation. The combination of Caire and Near would provide the relationship of the objects in a multimedia document for effectively controlling and changing the presentation of the objects.

Regarding claim 40, which is dependent on claim 31, Near does not disclose a non-multiplex section following the multiplex section where the non-multiplex section includes one or more separate objects that are not played by a player as the separate object files are received by a receiver. Caire discloses a plurality of separate object files that are not played by a player as the separate object files are received by a receiver

(col 1, lines 37-45, ...*video and audio information have to be separated* again, by an inverse of demultiplexing process, as presentation occurs on different devices...).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Caire into Near since Caire provides the choreography and the multiplexing features for a multimedia presentation. The combination of Caire and Near would provide the relationship of the objects in a multimedia document for effectively controlling and changing the presentation of the objects.

Claims 41-50 are for a computer system of the method claims 31-40, and are rejected under the same rationale.

13. Claims 110-115, 118, 120-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Near et al. (US Pat No. 5,995,091, 11/30/99, filed 5/10/96).

Regarding claim 110, which is dependent on claim 1, Near discloses that the media content is rendered independent of an author-specified bandwidth to be used to send the multimedia document (**col 8, lines 1-28**: no matter the bandwidth selected by the author used to send the multimedia document is sufficient or insufficient, rendering of the multimedia document is still performed via the playback).

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Regarding claim 111, which is dependent on claim 1, Near discloses that the media content is rendered independent of the bandwidth of the communications channel (**col 8, lines 1-28**: no matter the bandwidth selected by the author used to send the multimedia document is sufficient or insufficient, rendering of the multimedia document is still performed via the playback where the bandwidth for sending the multimedia document is also considered the bandwidth of the communication channel since sending documents from one place to another is one way of communicating).

Regarding claim 112, which is dependent on claim 10, Near discloses that the media content is rendered independent of an author-specified bandwidth to be used to send the multimedia document (**col 8, lines 1-28**: no matter the bandwidth selected by the author used to send the multimedia document is sufficient or insufficient, rendering of the multimedia document is still performed via the playback).

Regarding claim 113, which is dependent on claim 10, Near discloses that the media content is rendered independent of the bandwidth of the communications channel (**col 8, lines 1-28**: no matter the bandwidth selected by the author used to send the multimedia document is sufficient or insufficient, rendering of the multimedia document is still performed via the playback where the bandwidth for sending the multimedia document is also considered the bandwidth of the communication channel since sending documents from one place to another is one way of communicating).

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Regarding claim 114, which is dependent on claim 100, Near discloses that the media content is rendered independent of an author-specified bandwidth to be used to send the multimedia document (**col 8, lines 1-12**: no matter the bandwidth selected by the author used to send the multimedia document is sufficient or insufficient, rendering of the multimedia document is still performed via the playback).

Regarding claim 115, which is dependent on claim 100, Near discloses that the media content is rendered independent of the bandwidth of the communications channel (**col 8, lines 1-12**: no matter the bandwidth selected by the author used to send the multimedia document is sufficient or insufficient, rendering of the multimedia document is still performed via the playback where the bandwidth for sending the multimedia document is also considered the bandwidth of the communication channel since sending documents from one place to another is one way of communicating).

Regarding independent claim 118, Near discloses:

- generating a single file that integrates the media content with the choreography information, wherein generating the single file comprises encapsulating within the single file at least two objects, each object including media content data and choreography information associated therewith, the choreography information comprising data defining a temporal order of presentation between the objects (**figur 2, col 3, lines 28-47, col 9, lines 51-67**: the interleaved playback data stream includes a plurality of portions such as video chunk 1, audio chunk 1,

- video chunk 2, video chunk 3 where each portion of media has associated timestamp, engine destination, message, and simulation pointer for linking and arranging media portions in the stream shows the choreography information associated with media portion and the temporal order of display between the objects, and where the playback data stream indicates that the stream is received for playback; the authoring tool used by an author for specifying images and sounds for playback at specified times indicates an author-designated temporal order of presentation between media objects)
- before all objects of the files are received by a user, enabling the user to begin rendering the media content encapsulated within the file according to the choreography information associated with objects received, wherein the temporal order is maintained independent of a recipient or a web server (**col 3, line 64 to col 4, line 27, col 7, lines 50-64**: the playback of the images and sound data stream with specified times is generated by an author for a selected bandwidth, and thus the temporal order defined by the author, is maintained independent of a recipient)

Near does not explicitly disclose:

- receiving specification of media content by a user
- receiving designation by the user of choreography information that indicates at least an intended order of presentation for the specified media content

Instead, Near provides the media content of the playback media stream, the order of presentation of the playback media stream *defined by an author* where the pointer data

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in each multimedia element for arranging the order of playing of the media element in the stream indicates the choreography information of each element (figure 2, col 9, lines 50-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Near to include receiving specification content and receiving designation of choreography information for the following reason. The fact that the *order of presentation of the media playback is defined by an author* shows the designation of the choreography information and the presentation order of the playback. Further, defining the media playback suggests including a description of the media contents of the playback, which is equivalent to the specification of the media content of the playback. And it was obvious that the description as well as the order of presentation are received at the destination where the playback is performed.

Independent claim 121 includes the same limitations of claim 118, and is rejected under the same rationale.

Claim 120 for a computer system of method claims 118 and 121, and are rejected under the same rationale.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 116-117, 119 are rejected under 35 U.S.C. 102(e) as being anticipated by Near et al. (US Pat No. 5,995,091, 11/30/99, filed 5/10/96).

Regarding independent claim 116, Near discloses:

- receiving a stream including a file that integrates media content with choreography information within each of at least two objects of the file, each of the objects including media content data and choreography information associated therewith, the choreography information comprising data indicating an author-designated relationship between the objects of the file that defines an author-designated temporal order of presentation between the objects (**figure 2, col 3, lines 28-47, col 9, lines 51-67**: the interleaved playback data stream includes a plurality of media portions such as video chunk 1, audio chunk 1, video chunk 2, video chunk 3 where each portion has associated timestamp, engine destination, and message; each portion also has a simulation pointer for linking and arranging media portions in the stream, this shows the choreography information associated with media portion and the temporal order of display among the objects; the playback data stream indicates that the stream is received for playback; the authoring tool used by an author for specifying images

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and sounds for playback at specified times indicates an author-designated temporal order of presentation of the multimedia elements)

- before all objects of the file are received, beginning to render media content encapsulated within the file based on the choreography information associated with objects received so as to enable display of the objects received based on the temporal order defined by the choreography information, wherein the temporal order is maintained independent of a recipient or a web server (**col 3, line 64 to col 4, line 27, col 7, lines 50-64**: the fact that the playback of the images and sound data stream with specified times is generated by an author for a selected bandwidth shows that the temporal order is defined by the author, and thus is maintained independent of a recipient)
- wherein the temporal order is maintained independent of a bandwidth of a communication channel used to send the multimedia document (**col 8, lines 1-28**: no matter the bandwidth selected by the author used to send the multimedia document is sufficient or insufficient, rendering of the multimedia document with the temporal order for the document is still performed via the playback where the bandwidth for sending the multimedia document is also considered the bandwidth of the communication channel since sending documents from one place to another is one way of communicating)

Independent claim 119 includes the same limitations of claim 116, and is rejected under the same rationale.

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Claim 117 is for a computer system of method claims 116 and 119, and is rejected under the same rationale.

Response to Arguments

16. Applicant's arguments filed 10/18/04 have been fully considered but they are not persuasive.

Applicants argue that there is no motivation or teaching to modify Near to maintain temporal order independent of a bandwidth of a communication channel (Remarks, page 16).

Examiner respectfully disagrees.

Near provides generating a bandwidth-controlled presentation data stream, thereby controlling network load and providing predictable performance on a variety of playback systems where the presentation data stream can vary as author's desire by inserting data portions, images, sounds, timestamps, or commands (col 2, line 61 to col 3, line 25). This suggests that the playback of the data stream in Near be independent of the playback system and be independent of the playback of the communication channel used to send the multimedia document since the network load while sending the media document is controlled via the authoring tool and the performance of the playback is predictable no matter what bandwidth is selected. The combination of maintaining the temporal order independently from the bandwidth of a communication channel into Near would provide an effective way to generate a presentation data stream as desired where the authoring tool permits interleaving the specified images and/or data for the

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playback at the specified times at a specified bandwidth and permits the predictability of the playback performance at any selected bandwidth.

Applicants argue that Near teaches away from a method or system in which “the temporal order is maintained independent of a bandwidth of a communications channel” since the authoring tool in Near requires the author to select a bandwidth for the playback and when the bandwidth selected by the author is insufficient to allow playback of the images and/or sounds at the specified times, Near “permits the author to abort the presentation, so that the presentation will not be played back at all, let alone in the correct temporal order” (Remarks, page 17).

Examiner respectfully disagrees.

Near discloses that in the case where the bandwidth selected by the author is insufficient to allow playback of the images and sounds at the specified times “*the authoring tool element finds the delayed time at which playback can occur and notifies the author of the same (steps 117, 119). The author is then allowed to choose whether to continue and have the specified images data and/or sounds data interleaved for playback at the calculated delayed time (steps 121, 123), or to exit, in step 125, the presentation script-checking operations, in order to perform editing of the presentation script*” (col 8, lines 1-12). 0

Clearly, when the bandwidth selected by the author is insufficient to allow playback, the author can choose whether to continue and have the specified images and/or sounds data interleaved for playback or to exit the presentation script-checking operations, in

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order to perform editing of the presentation script, not to abort the presentation as argued. The presentation, therefore, still can be performed with the correct temporal order.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

David et al. (US Pat No. 5,969,716, 10/19/99, filed 8/6/96).

Kim (US Pat No. 5,742,238, 4/21/98, filed 4/15/97).

Escobar et al. (US Pat No. 5,659,793, 8/19/97, filed 12/22/94).

Conway (US Pat No. 5,745,782, 4/28/98, filed 7/3/96).

Hubbell et al. (US Pat No. 5,966,121, 10/12/99, filed 10/12/95).

Greenwood et al. (US Pat No. 6,640,044 B2, 10/28/03, filed 4/9/97).

Taguchi (US Pat No. 6,546,558 B1, 4/8/03, filed 11/13/96).

Foreman et al. (US Pat No. 6,628,303 B1, 9/30/03, filed 7/29/96).

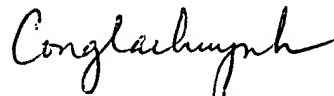
Gutfreund et al. (US Pat No. 6,665,835 B1, 12/16/03, filed 12/23/97).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4125.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cong-Lac Huynh
Examiner
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